

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

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JOSEPH DICKSON,

Plaintiff,

- against -

NEW YORK STATE OFFICE OF CHILDREN
AND FAMILY SERVICES,

Defendant.

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ORDER

CV 18-7212 (GRB) (JMW)

WICKS, Magistrate Judge:

Before the Court on this case reassigned from the Honorable A. Kathleen Tomlinson, are the following discovery motions: DE 36; DE 37. On December 15, 2021, the Court heard oral argument on the pending motions and made rulings on the record. This Order memorializes those rulings, the reasoning for which are stated on the record.

I. MOTION to Compel *compliance with Minute Order 5/12/2021 regarding pharmaceutical authorizations* by New York State Office of Children and Family Services [DE 36]

In light of Defendant's letter withdrawing this motion dated August 17, 2021 [DE 43], Defendant New York State Office of Children and Family Services' motion to compel is hereby DENIED as moot. Plaintiff may renew its request for attorney fees and costs associated with responding to Defendant's motion to compel by filing a motion, which sets forth the adequate basis for such relief and complies with the federal rule under which the relief is requested.

II. MOTION to Compel *Discovery* by Joseph Dickson [DE 37]

Plaintiff's motion is hereby GRANTED in part and DENIED in part as follows:

i. Personnel Files:

DENIED. Defendant is directed to produce an affidavit attesting to the basis for asserting why Courtney Walsh is not a comparable employee to Plaintiff. Further, Defendant is directed to produce an affidavit reciting Benjamin Williams' employment history with the Defendant, including his dates of leave, and whether Williams was allowed to rebid while on leave. As to Casey Mack, that application is denied.

ii. ESI:

DENIED. Plaintiff's motion to compel may native format production of PDFs is denied.

iii. Medical Records:

GRANTED. Defendant is directed to produce (at the State's cost) all medical records obtained in response to the Plaintiff's HIPAA authorizations.

III. Remaining Discovery Schedule:

In addition to the above rulings, the Court set the following deadlines for discovery, which will not be extended absent a showing of good cause:

Plaintiff to provide names of witnesses for deposition:	December 17, 2021
Defendant to provide last known address for deposition witnesses:	December 24, 2021
Meet and Confer on 30(b)(6) Topics:	December 31, 2021
End date of all Discovery/Depositions:	March 31, 2022
Last day to take first step for Motions for Summary Judgment:	April 29, 2022

Finally, the final pretrial conference has been scheduled for **May 16, 2022 at 12:00 p.m.** in **courtroom 1020**. A joint proposed pretrial order in compliance with the Hon. Gary R. Brown's requirements and signed by counsel for each party must be filed on ECF at least 5 business days prior to this conference.

Dated: Central Islip, New York
December 15, 2021

SO ORDERED

/s/ *James M. Wicks*
JAMES M. WICKS
United States Magistrate Judge